

**REPORT - PLANNING COMMISSION MEETING**  
**December 12, 2002**

**Project Name and Number:** Gateway Amendment to P-98-7 (PLN2002-00227)

**Applicant:** City of Fremont

**Proposal:** To modify Condition of Approval A-25 of Exhibit C of P-98-7 and strike conditions A-4 and A-5 of Exhibit C of P-98-7 landscaping to reflect the standards of the recently adopted City of Fremont Gateway Concept Plan, as directed by City Council.

**Recommended Action:** Approve, based on findings and subject to conditions.

**Location:** Between Black Mountain Circle and Mission Boulevard, Niles Planning Area.

**Assessor Parcel Number:** 087-0101-093-00

**Area:** 0.480 Acres

**Owner:** Niles Station Homeowners Association

**Agent of Applicant:** N/A

**Consultant(s):** N/A

**Environmental Review:** This project is exempt from the California Environmental Quality Act (CEQA) per section 15303(e), New Construction or Conversion of Small Structures, Accessory Structures.

**Existing General Plan:** Residential 6.5-10 Units per Acre, Designated City Gateway Site

**Existing Zoning:** P-98-7, Residential Planned District

**Existing Land Use:** Private Park and City Gateway Site

**Public Hearing Notice:** Public hearing notification is applicable. A total of 95 notices were mailed to owners and occupants of property within 300 feet of the site, including on the following streets: Black Mountain Circle, Mission Boulevard, King Avenue, and others. Notices were mailed to owners and occupants within both Fremont and Union City, and, additionally, notices were mailed to all owners and occupants within P-98-7. The notices to owners and occupants were mailed on December 2, 2002. A Public Hearing Notice was delivered to The Argus on November 25, 2002 to be published by December 2, 2002.

**Background and Previous Actions:** Planned District P-98-7, a 71-unit single-family residential development, was approved by the City Council on July 7, 1998. Condition of Approval A-25 within Exhibit C required specific signage for the designated gateway feature as part of the Planned District. The applicant had proposed a draft design concept which the Commission felt was heading in the right direction but required additional details. Subsequent to the Commission's approval of the Planned District, staff began working on a Gateway Concept Plan for the City as a whole. Because this site is one of those identified as a gateway, Staff requested that the applicant delay further work on the sign design while the Gateway Concept Plan was developed. In January 15, 2002 the City Council approved the City of Fremont Gateway Concept Plan, including specific designs for all City Gateway signs, including at this location. As part of the approval, the City Council directed Staff to initiate a minor amendment to P-98-7 to modify Condition A-25, in order to bring the Planned District text and future sign

into conformance with the adopted Gateway Plan. The City is holding the applicant's 500,000 bond while this matter is resolved.

On April 25, 2002, the project was continued on consent by the Planning Commission to allow the original developer of the site, KB Home, time to further analyze the cost differences between this sign and the previous sign design. Landscape Architecture staff has been working with agents of the developer to provide construction details and other relevant information for this modification. KB staff has since indicated that it will support the identified modifications.

On May 23, 2002 staff requested Planning Commission approve the modification of Condition A-25 of P-98-7. Planning Commission failed to pass this motion by making a tied vote 2-2. Two Commissioners recused themselves and one Commissioner was absent. Staff is returning to the Commission because it did not receive affirmative direction from the Commission at the May 23 meeting.

**Project Description:** Staff is proposing that the sign located at this gateway to the City conform to the City's Gateway Concept Plan, as directed by the City Council. Although the Commission had provided previous direction as to the character and type of sign to be provided at this location, that direction has been effectively superseded by the Council's action adopting the Gateway Concept Plan. In order to comply with Council policy, staff proposes to modify Condition of Approval A-25 of P-98-7 as follows (modifications are underlined):

A-25. The City entry feature on Mission Boulevard shall also include reference to the Niles District and shall be designed to reflect the horticultural history of Niles. This shall include:

- a. The reference to Niles and its horticultural history shall be accomplished through the use of specific plant species and planting styles. This includes, but is not limited to, planting in the orchard style and using plant species prevalent in Niles' history.
- b. The proposed monument sign will be constructed in accordance with the City's Gateway Concept Plan, in the style of the eight-foot by four-foot horizontal sign with lighting. The sign shall be constructed by the developer, or at the developer's cost, to City standards.
- c. The property owner shall provide the City with an easement for maintenance and repair of the monument Gateway Sign. Maintenance and repair of said sign shall be the responsibility of the City of Fremont; maintenance and repair of the surrounding landscaping shall be the responsibility of the Homeowner's Association.

In addition staff is proposing to strike Conditions of Approval A-4 and A-5 of P-98-7 Landscaping.

No other conditions of approval within this Planned District are proposed to be modified, as all other conditions are in conformance or not applicable to this proposal.

Should the Commission wish to make an alternative recommendation to Council, it could deny the modification in the Conditions, thereby indicating its desire to see a sign similar to that previously proposed (the original concept drawing is enclosed). Because this action would be contrary to Staff's understanding of adopted Council policy, staff would refer the matter to the City Council for final resolution.

### **Project Analysis:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Medium Density Residential, with a City Gateway designation. The previously proposed signage does not meet the design guidelines of the recently adopted City Gateway Concept Plan. The current proposal is to modify the signage to be in conformance with Gateway Plan's requirements and design guidelines, as shown on the attached exhibit. Because the previously proposed signage was not installed, Council has recognized this opportunity to provide a gateway consistent with the adopted Plan, and has directed Staff to initiate the above amendment to bring the proposal into conformance.

**Zoning Regulations:** The site currently has a zoning designation of P-98-7, Residential Planned District. The proposed signage location was previously approved as part of this Planned District, with specific guidelines as to sign type, style, and size. This proposal seeks to modify these guidelines (Condition of Approval A-25) to

bring the proposed sign into conformance with the adopted City Gateway Concept Plan and have the Planned District conditions reflect this.

**Circulation/Access Analysis:** Access to the sign will be required by the City for future maintenance and repair of the sign. As part of this proposal, the Staff proposes text be inserted into the Conditions of Approval stating “The property owner shall provide the City with an easement for maintenance and repair of the monument Gateway Sign. Maintenance and repair of said sign shall be the responsibility of the City of Fremont; maintenance and repair of the surrounding landscaping shall be the responsibility of the Homeowner’s Association”. Staff has included a condition requiring the sign permit to be issued through the Development Organization, so that Engineering Staff may require the inclusion of the easement.

**Design Analysis:** The previously proposed sign was designed with a ledger-stone base, wood posts and sign background, iron ties, and galvanized metal sign face in conformance with Condition of Approval A-25’s requirements. The overall size was to be approximately 11’-0” by 6’-6”. While the sign is well designed and appropriate for the location, it is not in conformance with the City’s Gateway Concept Plan. The Plan calls for all signs to be compatible with each other, providing the City of Fremont with “added visibility and identity... to develop a consistent and welcoming image at various entries to the City”. Fremont’s Gateway signs are to be of a stone base and footing, polished charcoal-colored granite upper half and face, with sandblasted graphics and 23k gold leaf infill. The City’s Landscape Architect has called for an 8’-0” by 4’0” monument sign at this location. Please refer to the attached exhibit for details and elevations. While no estimate for the cost of the previously approved sign is available, the City Landscape Architect has estimated the cost of this sign at approximately \$50,000.

Per the proposed revised Condition A-25(a), landscaping shall be installed consistent with the historical and horticultural character of Niles. The previously approved and installed landscape plan is found to meet this requirement, so no additional landscaping will be required. Please refer to the attached exhibit for details and site plan. The installed landscaping shall be maintained and replaced in kind by the Homeowner’s Association as necessary in the future.

**Enclosures:**

Exhibit “A” (Sign Details and Elevations)  
Exhibit “B” (Conditions of Approval for PLN2002-00227).

**Informational:**

Exhibit “C” (Previously Approved Sign under P-98-7)

**Exhibits:**

Exhibit “A” (Sign Details and Elevations)  
Exhibit “B” (Conditions of Approval for PLN2002-00227).

**Recommended Actions:**

1. Hold public hearing.
2. Find **PLN2002-00227** is exempt from CEQA per Section 15303(e).
3. Find **PLN2002-00227** is in conformance with the relevant provisions contained in the City’s existing General Plan and Gateway Concept Plan.
4. Approve **PLN2002-00227**, as shown on Exhibit “A”, subject to findings and conditions on Exhibit “B”.

**Exhibit "B"**  
**Findings and Conditions of Approval for PLN2002-00227**  
**Gateway Amendment to P-98-7 – PD Minor Amendment**  
**Black Mountain Circle and Mission Boulevard**

**CONDITIONS OF APPROVAL:**

1. Conformance with Exhibit "A".
2. Submittal of appropriate plans and documents to the **Development Organization** for review and permit issuance to ensure compliance with all City codes and policies, including the Gateway Concept Plan. The Development Organization process shall include review and acceptance of appropriate easements (see Condition 6). A building and/or sign permit shall be required for this project.
3. The modified Condition of Approval A-25 of P-98-7 shall read:

A-25. The City entry feature on Mission Boulevard shall also include reference to the Niles District and shall be designed to reflect the horticultural history of Niles. This shall include:

  - a. The reference to Niles and its horticultural history shall be accomplished through the use of specific plant species and planting styles. This includes, but is not limited to, planting in the orchard style and using plant species prevalent in Niles' history.
  - b. The proposed monument sign will be constructed in accordance with the City's Gateway Concept Plan, in the style of the eight-foot by four-foot horizontal sign with lighting. The sign shall be constructed by the developer, or at the developer's cost, to City standards.
  - c. The property owner shall provide the City with an easement for maintenance and repair of the monument Gateway Sign. Maintenance and repair of said sign shall be the responsibility of the City of Fremont; maintenance and repair of the surrounding landscaping shall be the responsibility of the Homeowner's Association.
4. Per the revised Condition A-25(a), landscaping shall be installed consistent with the historical and horticultural character of Niles. The previously approved and installed landscape plan is found to meet this requirement, so no additional landscaping will be required. The installed landscaping shall be maintained and replaced in kind as necessary in the future.
5. Per the revised Condition A-25(b), the sign will be constructed by the developer or at the developer's cost, to City Standards, as previously agreed as part of P-98-7.
6. Per the revised Condition A-25(c), the property owner shall grant the City an easement to allow the maintenance and repair of the gateway sign. Maintenance and repair of the **sign** shall be the City's responsibility, maintenance and repair of the surrounding **landscaping** shall be the Homeowner's Association's responsibility.
7. The entire area surrounding the gateway sign shall be considered part of the gateway feature, and shall not be modified without the written consent of the City's Landscape Architect. This gateway feature designation includes topography, landscape, hardscape, etc.
8. Strike condition A-4 of P-98-7 Landscaping as follows:

~~The proposed entry sign shall be redesigned as stated in the text of the report. The sign shall be located at least three feet off the ground for visibility. The angle of the sign shall be studied to ensure~~

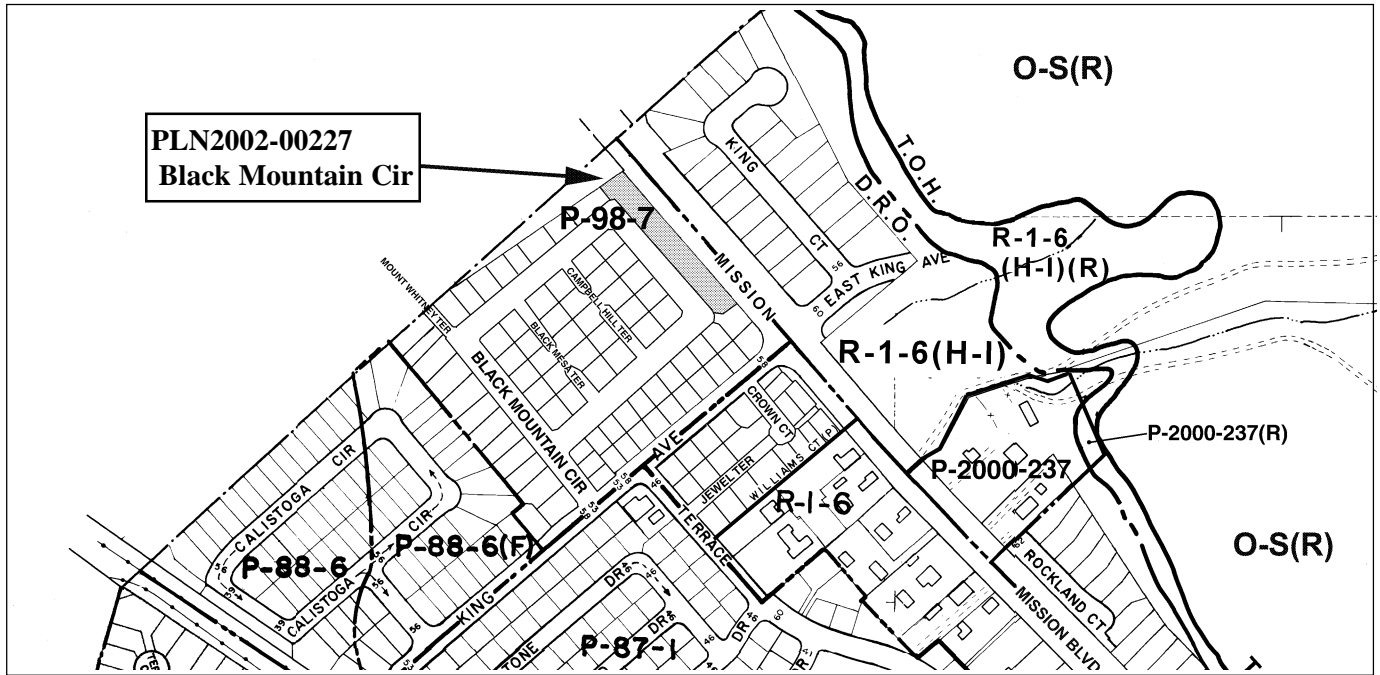
~~that fencing along the channel or building on the other side of the channel in Union City will not obstruct the line of sight from the southbound traffic on Mission Boulevard.~~

9. Strike condition A-5 of P-98-7 Landscaping as follows:

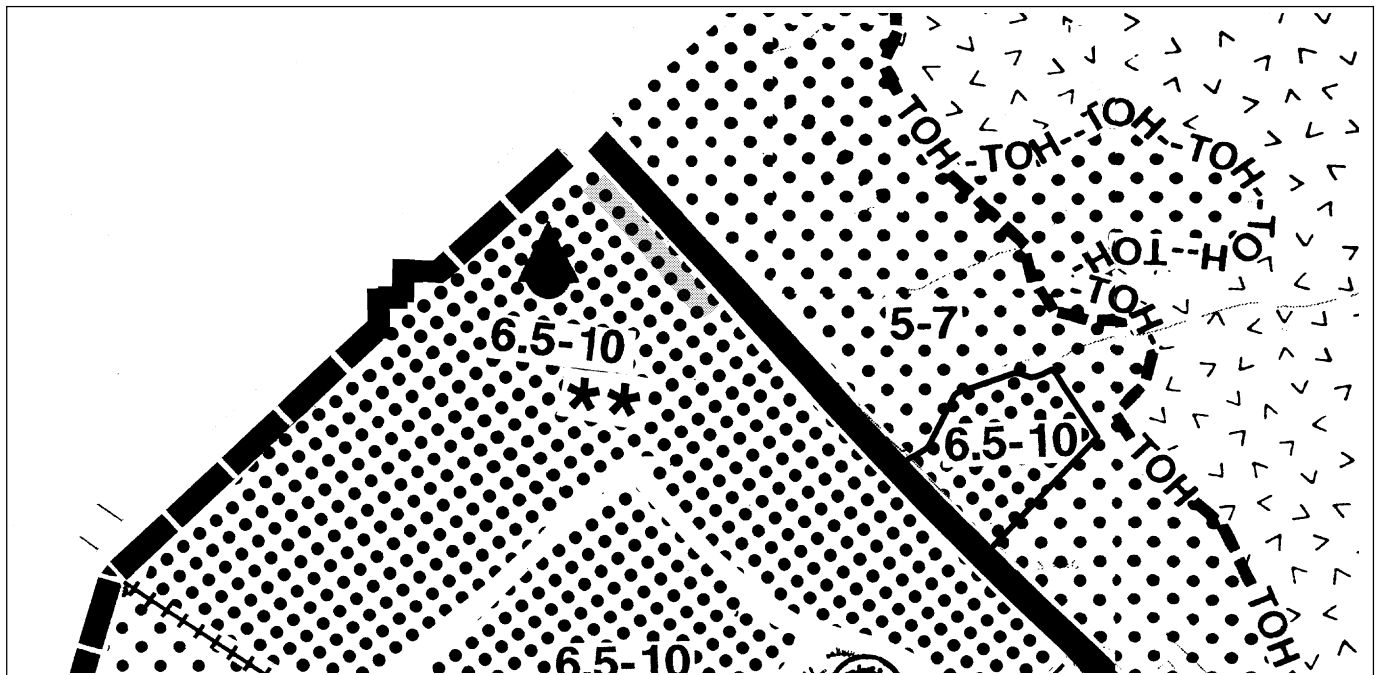
~~The proportion of the sign shall be modified. Modification may include in length while maintaining the size to signify an entry sign: replacing the wood posts by a taller tapered ledgerstone pilaster with the sign panel connected to the pilaster with sufficient gap between the two elements. The wood trim, if used, may be a narrower frame around the metal panel. The applicant shall have alternative designs for the entry sign available at the public hearing and finalize the design based on input from the Planning Commission. The applicant shall continue to work with staff during D.O. to finalize the sign design.~~

10. No other modifications to the approved portions of P-98-7 are granted as part of this proposal. Specifically, all landscape, hardscape, and lighting (including sign lighting) shall be installed and/or maintained as previously approved.

# INFORMATIONAL



Existing Zoning



Existing General Plan

**Project Number:** PLN2002-00227 (MOD)  
**Project Name:** Gateway Amendment to P-98-7 Niles Station  
**Project Description:** To consider a City-initiated Planned District Minor Amendment to modify Condition of Approval A-25 of Exhibit C of P-98-7 and strike Conditions of Approval A-4 and A-5 of Exhibit C of P-98-7. Landscaping to reflect the standards of the recently adopted City of Fremont Gateway Plan, as directed by City Council.

**Note:** Prior arrangements for access are not required for this site.

